

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

**U.S. COMMODITY FUTURES TRADING
COMMISSION,**

Plaintiff,

v.

JAMES HARVEY MASON,

Defendant, and

**THE JHM FOREX ONLY POOL (f/k/a
THE JHM FOREX ONLY POOL, LP), and
FOREX TRADING AT HOME,**

Relief Defendants.

NO. 3:13-CV-196

**ORDER AUTHORIZING RECEIVER TO MAKE FINAL DISTRIBUTION AND TO
DISBURSE FUNDS COLLECTED AS SOCIAL SECURITY BENEFITS**

This matter came before the Court upon the *Receiver's Motion (I) for Authority to Make Final Distribution and to Establish Distribution Amounts and (II) for Authority to Pay Social Security Funds to the Court Registry* filed on March 8, 2016 (Doc. No. 175) (the "Motion") by Joseph W. Grier, III, as the duly-appointed receiver in the above-captioned action (the "Receiver"), through counsel, seeking authority from this Court to make an aggregate final distribution of \$205,000.00 to customers of the above-named defendants and to pay \$14,263.63 to the Court Registry, representing the sum collected by the Receiver from payments made to Defendant Mason as Social Security benefits.

On March 25, 2016, Defendant Mason, through counsel, filed a response to the Motion (Doc. No. 180) (the "Response"), which represents that Defendant Mason, the Social Security Administration (the "SSA"), and the U.S. Department of Justice (the "DOJ") are all in agreement

as how to divide the \$14,263.63 collected by the Receiver as Defendant Mason's Social Security benefits and seeks an order directing the Receiver to disburse the \$14,263.63 as follows: (i) \$3,275.60 to the SSA; (ii) \$1,648.21 to the DOJ; and (iii) \$9,339.82 to Defendant Mason.

Neither the Receiver nor the U.S. Commodity Futures Trading Commission objects to the disbursement of the \$14,263.63 in Social Security funds proposed in the Response.

The Court finds that it has jurisdiction over this matter and that notice was proper. Other than the Response, no objections or other pleadings have been filed in response to the relief requested in the Motion. The Court, having reviewed the Motion, the Response, and the record in this case, concludes that the relief requested in the Response should be granted, as should the relief requested in the Motion (except to the extent contrary to the Response).

IT IS, THEREFORE, ORDERED that:

- (1) the Receiver is authorized to make a final distribution in the aggregate amount of \$205,000.00 to various claimants in accordance with the *Order Approving (1) Claims Verification and Notice Procedures and (2) Reserving Issues Concerning Distribution Method and Distribution Procedure* entered on September 2, 2014 (Doc. No. 94), the *Order Approving Distribution Method and Distribution Procedure* entered on October 14, 2014 (Doc. No. 107), the *Order Approving Receiver's Recommendations Regarding Claims* entered on June 16, 2015 (Doc. No. 165), and upon the terms and conditions set forth more fully in the Motion, including the Exhibit A attached thereto;
- (2) the Receiver shall disburse \$3,275.60 to the SSA within ten (10) days of receiving written payment instructions from the SSA, in satisfaction of Defendant Mason's repayment obligation of an overpayment of Social Security benefits;

- (3) the Receiver shall disburse \$1,648.21 to the DOJ within ten (10) days of receiving written payment instructions from the DOJ, as a partial payment toward the restitution order entered in the criminal case against Defendant Mason, *U.S. v. James Harvey Mason* (Case No. 3:14-CR-122-FDW), with a dollar-for-dollar credit toward Defendant Mason's restitution obligation in this matter; and
- (4) the Receiver shall disburse \$9,339.82 to Defendant Mason within ten (10) days of receiving written payment instructions from Defendant Mason.

SO ORDERED.

Signed: April 5, 2016

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

